

REMARKS

The final Office Action of April 24, 2007, has been received and reviewed.

Claims 1-23 are currently pending and under consideration in the above-referenced application, each standing rejected.

Reconsideration of the above-referenced application is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-23 have been rejected under 35 U.S.C. § 102(b) for reciting subject matter that is allegedly anticipated by the subject matter described in U.S. Patent 5,988,862 to Kacyra et al (hereinafter “Kacyra”).

A claim is anticipated only if each and every element, as set forth in the claim, is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Kacyra does not expressly or inherently describe a method that includes viewing a portion (independent claim 1) or all (independent claim 10) of a field of exposure of a selective consolidation system of a programmable material consolidation apparatus.

Rather, the description of Kacyra is limited to viewing an object to generate a three-dimensional digital (computer) model of that object. In this regard, Kacyra discloses a system that includes a scanning laser 210 that scans points of the object 20. Col. 3, lines 53-56. Such scanning is effected in a “field digital vision” (“FDV”) module 10. Col. 3, lines 27-32. Once a digital model has been generated by use of the FDV module 10, the digital model is converted to a format that is ultimately used by separate, conventional computer-aided design (CAD) tools 50, which reproduce the scanned object. Col. 3, lines 32-36.

As such, it is respectfully submitted that Kacyra does not anticipate “viewing a portion of a field of exposure of a selective consolidation system . . . to identify a location of at least one feature within the field of exposure,” as is required by the method of independent claim 1.

In addition, Kacyra neither expressly nor inherently describes that the conventional CAD tools 50 mentioned therein may comprise a programmable material consolidation apparatus, or that material may be selectively consolidated based on a location of at least one feature within a field of exposure of a selective consolidation system of a programmable material consolidation apparatus. Rather, the description provided at col. 20, lines 56-67, of Kacyra relates to the functionality of an “interactive state-of-the-art computer graphics renderer,” with which a digital model may be manipulated, or portions of the digital model may be selectively viewed. Therefore, Kacyra does not anticipate “selectively consolidating material . . . based on the location of . . . at least one feature,” as is required by the method of independent claim 1.

Kacyra also lacks any express or inherent description of “selectively consolidating material within [a] portion of [a] field of exposure of [a] selective consolidation system based on [an observed] location of . . . at least one feature” within the field of exposure. Again, the description of Kacyra is limited to observing an object in one location, generating a three-dimensional digital model of the object, then reproducing the observed object in *another location*. By its plain language, independent claim 1, as proposed to be amended, requires that the acts of “viewing” and “selectively consolidating material” be effected in the *same location* (*i.e.*, in a portion of a field of exposure of a selective consolidation system of a programmable material consolidation apparatus).

Therefore Kacyra does not anticipate each and every element of amended independent claim 1, as would be required to maintain the 35 U.S.C. § 102(b) rejection of amended independent claim 1.

Claims 2-9 are each allowable, among other reasons, for depending directly or indirectly from amended independent claim 1, which is allowable.

Claim 5 is further allowable because Kacyra neither expressly nor inherently describes “controlling locations at which . . . selectively consolidating is effected” based on processing of data of data signals to compare a viewed feature with a representation of at least one feature within a field of exposure of a selective consolidation system.

With respect to the subject matter recited in independent claim 10, Kacyra does not anticipate a method that includes “instantaneously viewing an entire field of exposure of a selective consolidation system . . . to identify a location of at least one feature within the field of exposure.”

Moreover, Kacyra includes no express or inherent description that the conventional CAD tools 50 mentioned therein may comprise a programmable material consolidation apparatus, or that material may be selectively consolidated based on a location of at least one feature within a field of exposure of a selective consolidation system of a programmable material consolidation apparatus. Rather, the description provided at col. 20, lines 56-67, of Kacyra relates to the functionality of an “interactive state-of-the-art computer graphics renderer,” with which a digital model may be manipulated, or portions of the digital model may be selectively viewed. Therefore, Kacyra does not anticipate “selectively consolidating material . . . based on the location of . . . at least one feature,” as is required by the method of independent claim 10.

In any event, Kacyra does not expressly or inherently describe that a feature within a field of exposure may be viewed, and that material may be selectively consolidated within the same field of exposure based on the location of the at least one feature (independent claim 10, as proposed to be amended); *i.e.*, that the acts of “viewing” and “selectively consolidating material” may be effected *at the same location*.

Since Kacyra does not anticipate each and every element of independent claim 10, under 35 U.S.C. § 102(b), amended independent claim 10 is allowable over the subject matter described in Kacyra.

Each of claims 11-23 is allowable, among other reasons, for depending directly or indirectly from independent claim 10, which is allowable.

Claim 17 is also allowable since Kacyra includes no express or inherent description of “controlling locations at which . . . selectively consolidating is effected” based on processing of data of data signals to compare a viewed feature with a representation of at least one feature within a field of exposure of a selective consolidation system.

Withdrawal of the 35 U.S.C. § 102(b) rejections of claims 1-23 is respectfully solicited, as is the allowance of each of these claims.

Entry of Amendments

Entry of the proposed amendments to independent claims 1 and 10 is respectfully solicited. It is respectfully submitted that entry of the proposed claim amendments would not introduce new matter into the above-referenced application or necessitate an additional search. Further, it is believed that entry of the proposed amendments to independent claims 1 and 10 would address the only remaining issue in the above-referenced application.

In the event that the proposed claim amendments are not entered, their entry is respectfully requested upon the filing of a Notice of Appeal in the above-referenced application.

CONCLUSION

It is respectfully submitted that each of claims 1-23 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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